

REMARKS

Claims 1, 3, 4, 6-9, 12-14 and 16-20 have been amended. Claims 1-20 are currently pending. Reexamination and allowance of the pending claims are respectfully requested.

Claim Rejections

Claims 1-20 are rejected under 35 USC 102(e) as being anticipated by Bollay et al. (US Patent # US 7,046,666 B1). The rejection is respectfully traversed.

Drawings

It is noted that the Examiner has accepted the drawings as originally filed with this application.

Claim Amendments

By this Amendment, Applicant has amended claims 1, 3, 4, 6-9, 12-14 and 16-20 of this application to better protect what Applicant regards as the invention. Claims 17 and 18 have also been amended to overcome the Examiner's objections thereto. It is thus believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art.

Claim 1

Independent claim 1 has been amended to recite that "the request frame and the reply frame are formed independent of an IP address", which is not disclosed or suggested by Bollay et al. In amended claim 1, both the source address of the request frame and the destination address of the reply frame comprise ***the MAC address*** of the first node. The frame formats of the request and reply frames, for example, are shown in FIGS. 2 and 3 of the present invention, ***wherein no IP address is needed***. Thus, both the request and reply frames are formed independent of an IP address.

However, in Bollay et al., no matter when the first device forms an ARP (address resolution protocol) request packet to be transmitted or when the second device forms a response packet (i.e. ARP reply) to be transmitted, IP addresses are

used. More specifically, in FIG. 4 of Bollay et al., the ARP request packet formed by the first device (PC1) must include the source IP address (i.e., the IP address of PC1) and the IP address to be address-resolved (i.e., the IP address of PC2) (see column 12, lines 50-55), so as to perform the ARP request. On the other hand, the response packet formed by the second device (PC2) must include the resolved IP address of PC2 and the destination IP address (i.e. the IP address of PC1) (see column 13, lines 44-48), so as to perform the ARP reply. These formats of the ARP request and reply packets are defined in the ARP protocol. Thus, IP addresses are indispensable integral parts of the ARP request and reply packets.

Furthermore, the request and reply frames in amended claim 1 are used to detect the connection status in a network, while the ARP request and reply packets in Bollay et al. are used to perform address resolution. Thus, amended claim 1 and Bollay et al. are quite different in function.

Thus, Bollay et al. fails to disclose or suggest all of the limitations claimed in amended independent claim 1, so amended claim 1 is submitted to be in condition for allowance. Claims 2-11 depend from claim 1 and are submitted to be allowable for the same reasons.

Claim 12

Independent claim 12 has been amended to recite that "the request frame and the reply frame are formed independent of an IP address." For the same reasons applied to amended claim 1, amended claim 12 is submitted to be in condition for allowance. Claims 13-18 depend from claim 12, and are submitted to be allowable for the same reasons.

Claim 19

Independent claim 19 has been amended to recite that "the request frame and the reply frame are formed independent of an IP address." For the same reasons applied to amended claim 1, amended claim 19 is submitted to be in condition for allowance. Claim 20 depends from claim 19, and is submitted to be allowable for the same reasons.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed

structure. Applicant submits that it is abundantly clear, as discussed above, that Bollay et al. do not disclose each and every feature of Applicant's amended claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Bollay et al. cannot be said to anticipate any of Applicant's amended claims under 35 U.S.C. § 102.

It is further submitted that Bollay et al. do not disclose, or suggest any modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure or method. Thus, it is not believed that Bollay et al. render obvious any of Applicant's amended claims under 35 U.S.C. § 103.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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